

REMARKS

A non-final Office Action mailed October 6, 2003 has been received and carefully reviewed. Claims 1-85 are pending in the application. Claims 49-85 have been withdrawn by the Examiner, following a provisional election of claims 1-48, with traverse. Claims 1, 4-8, 10, 12, 13, 19, 20, 23, and 24 have been rejected. Claims 2-3, 9, 11, 14-18, 21, 22, and 25 are objected to, but are indicated as allowable if rewritten in independent form. Reconsideration of the claims as amended and withdrawal of the present rejections are respectfully requested in view of the following remarks.

Applicant affirms the election of claims 1-48 of Group I for prosecution. Claims 49-85 have been canceled without prejudice.

Claims 1, 4-8, 10, 12, 13, 19, 20, 23, and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Dasgupta et al* (U.S. Patent No. 5,498,498). *Dasgupta* discloses a lithium battery having stacked electrochemical cells. The laminates disclosed in *Dasgupta* have discrete positive and negative electrode plates located between them at spaced intervals. The space between electrode plates is such that it allows folding of the laminates together with the discrete electrode plates located between them without forming creases or bulges in the laminates, as is described at column 6, lines 30-45.

Dasgupta teaches that current generated by the stacked electrochemical cells is collected by elongated tabs of metallic foil 14 and 16, placed between parallel sections in a conventional manner. Figure 2 best shows this configuration.

To anticipate a claim, the asserted reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. All claim elements, and their limitations, must be found in the prior art reference to maintain a rejection based on 35 U.S.C. §102.

Applicant's claim 1, as originally presented, recites a cathode sheet layer comprising a series of discontinuous cathode sheets. Each of the cathode sheets

comprises a cathode layer and a current collection layer having a first surface contacting a first surface of the cathode layer. A solid electrolyte layer contacts a second surface of the cathode layer and extends across gaps defined between adjacent ones of the cathode sheets.

Dasgupta fails to disclose, expressly or inherently, discontinuous cathode sheets each comprising a cathode layer and a current collector layer in the manner recited in Applicant's claim 1. *Dasgupta*, in Figure 2 and the accompanying text (column 6, lines 56-55), discloses elongated tabs of metallic foil 14 and 16 placed between parallel sections of the stacked electrochemical cells for current collection. These tabs contact the current conducting electrode support laminates of the *Dasgupta* structure.

Dasgupta clearly fails to disclose current collector layers of adjacent discontinuous cathode sheets that are separated by a gap as is recited in Applicant's claim 1. To the extent that current conducting electrode support laminates 2 and 6 may be construed as the current collection layers of Applicant's claim 1, electrode support laminates 2 and 6 are clearly not discontinuous structures (see Figures 1 and 2 of *Dasgupta*).

Because *Dasgupta* fails to describe each and every element as set forth in claim 1, either expressly or inherently, and because the identical invention recited in Applicant's claim 1 is clearly not shown in *Dasgupta* in as complete detail, a rejection based on 35 U.S.C. §102(b) can not be maintained.

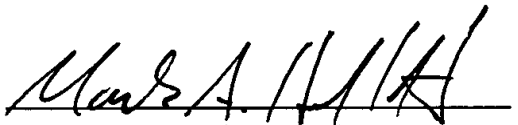
While Applicant does not acquiesce to the particular rejections of the claims depending from claim 1, it is believed that these rejections are now moot in view of the remarks presented above in connection with independent claim 1. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from *Dasgupta*. Therefore, the pending dependent claims are also in condition for allowance. Applicant, however, reserves the right to address these rejections should the Examiner maintain the rejection of the claims, notwithstanding Applicant's remarks presented hereinabove.

It is believed that, in addition to claims 26-48, claims 1-25 are allowable, timely notification of which is respectfully solicited. The Examiner is invited to contact Applicant's Representatives, at the below-listed telephone number, if there are any questions regarding the above new claims or if prosecution of this application may be assisted thereby.

Respectfully submitted,

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Enclosures: Petition for Extension of Time; 2 return postcards.